

Exhibit 46

LONNIE THOMPSON
5/4/2021

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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE		I N D E X	
HUNTERS CAPITAL, LLC, et al.,) Plaintiffs,) vs.) No. 20-cv-00983-TSZ CITY OF SEATTLE,) Defendant.)		EXAMINATION BY Ms. Pratt	
Zoom 30(b)6 Video Deposition Upon Oral Examination Of LONNIE THOMPSON		EXHIBIT INDEX	
DATE: Tuesday, May 4, 2021 REPORTED BY: Mindy L. Suurs, CSR No. 2195		NO. DESCRIPTION PAGE	
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For the Plaintiff: TYLER S. WEAVER Calfo Eakes 1301 Second Avenue Suite 2800 Seattle, Washington 98101		2 Bergman's Lock and Key Service, LLC, Profit 38 and Loss, May 1, 2020	
For the Defendant: CAITLIN B. PRATT KRISTIN E. BALLINGER TYLER L. FARMER Harrigan Leyh Farmer Thomsen 999 Third Avenue Suite 4400 Seattle, Washington 98104		3 Summary of profit and loss information 46	
For the City of Seattle: JOSEPH GROSHONG Assistant City Attorney Seattle City Attorney's Office 701 Fifth Avenue Suite 2050 Seattle, Washington 98104		4 Annual Profit and Loss Statements from 2016 47 through 2020	
Also present: Karl Benitez, Royal Video Productions		5 Bergman's Lock and Key Service, LLC, Profit 56 and Loss, May 1, 2020	
--oOo--		6 Bergman's Lock and Key Service, LLC, Profit 57 and Loss, May 1, 2019	
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A P P E A R A N C E S		Tuesday, May 4, 2021	
For the Plaintiff: TYLER S. WEAVER Calfo Eakes 1301 Second Avenue Suite 2800 Seattle, Washington 98101		9:10 a.m.	
For the Defendant: CAITLIN B. PRATT KRISTIN E. BALLINGER TYLER L. FARMER Harrigan Leyh Farmer Thomsen 999 Third Avenue Suite 4400 Seattle, Washington 98104		--oOo--	
For the City of Seattle: JOSEPH GROSHONG Assistant City Attorney Seattle City Attorney's Office 701 Fifth Avenue Suite 2050 Seattle, Washington 98104		THE VIDEOGRAPHER: We are now on the record. Today is May 4th, 2021. The time is now 9:10 a.m. This is Volume No. 1, Media No. 1 in the deposition of Bergman's Lock and Key Services, LLC, 30(b)6 representative Lonnie Thompson in the United States District Court Western District of Washington at Seattle in the matter of Hunters Capital, LLC, versus City of Seattle, Case No. 20-cv-00983-TSZ. We are recording via the internet using Zoom video conferencing.	
Also present: Karl Benitez, Royal Video Productions		My name is Karl Benitez. I'm representing Royal Video Productions, Inc., of Issaquah, Washington 98027 by invitation of Rough & Associates.	
--oOo--		At this time I would like to ask all counsel present to identify themselves. Please state your name, the firm you're working for, and whom you're representing in this matter.	
		MS. PRATT: My name is Caitlin Pratt. I work for Harrigan Leyh. We represent the City of Seattle. I'm joined on this call by Kristin Ballinger, also with my firm, and Joe Groshong of the City of Seattle.	
		MR. WEAVER: My name is Tyler Weaver. I'm at	

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<p style="text-align: center;">Page 77</p> <p>1 to your storefront. Was the road in front of you -- 12th, 2 I believe; correct?</p> <p>3 A. Correct.</p> <p>4 Q. Was 12th in front of your storefront blocked off 5 to traffic?</p> <p>6 A. At Olive, yes, would be about 50 yards south of 7 our door.</p> <p>8 Q. But it was not blocked off in front of your door; 9 is that right?</p> <p>10 A. No, it was not.</p> <p>11 Q. And that's why those service tech vehicles could 12 have driven in front of the building if you had chosen 13 that -- you know, to ask them to do that; right?</p> <p>14 A. Yes.</p> <p>15 Q. So you said the street was blocked off at 12th 16 and Olive. When was that blocked off?</p> <p>17 A. It would be after June 8th. That's to my best of 18 knowledge.</p> <p>19 Q. What was it blocked by?</p> <p>20 A. The concrete barricades.</p> <p>21 Q. And is your memory that there's concrete 22 barricades were there through the time when the park was 23 cleared out on June 30th, or July 1st, excuse me?</p> <p>24 A. Yeah.</p> <p>25 Q. Are you aware of any other areas where the road</p>	<p style="text-align: center;">Page 79</p> <p>1 A. Oh, I can't go out there, it's not safe up there. 2 You're in that -- you're in that zone? Yes. Oh, okay. Is 3 there any way you can help -- you know, yeah.</p> <p>4 Q. They said, "Is there any way you can help --"</p> <p>5 A. Help us out, yes. And we would. We would find 6 some way. We can't make everybody happy, but you would do 7 your best. That's what we do.</p> <p>8 Q. So for the customers who didn't feel safe, you 9 made alternative arrangements; is that right?</p> <p>10 A. Yeah, sometimes I referred them to other lock 11 companies that were just as friendly and as knowledgeable.</p> <p>12 Q. How many times did that happen?</p> <p>13 MR. WEAVER: Objection, vague.</p> <p>14 A. I couldn't keep track of that.</p> <p>15 BY MS. PRATT:</p> <p>16 Q. Can you estimate?</p> <p>17 A. At least over ten times.</p> <p>18 Q. Are you aware of anytime when a customer wasn't 19 able to reach your business -- not that they didn't feel 20 comfortable but that they physically weren't able to reach 21 it?</p> <p>22 MR. WEAVER: Objection. Answer if you can, 23 Lonnie.</p> <p>24 A. I wouldn't be aware of. Can you ask me -- can 25 you ask me the question again?</p>
<p style="text-align: center;">Page 78</p> <p>1 was blocked off?</p> <p>2 MR. WEAVER: Objection. Go ahead and answer.</p> <p>3 A. No, I mean it's just kind of my little 4 neighborhood there. That was kind of what I paid attention 5 to.</p> <p>6 BY MS. PRATT:</p> <p>7 Q. When you say that 12th at Olive was blocked off 8 after June 1st -- or excuse me, after June 8th with 9 concrete barricades, what do you mean that it was blocked 10 off?</p> <p>11 A. It was not possible for car traffic to get 12 through.</p> <p>13 Q. Could pedestrian traffic get through?</p> <p>14 A. Oh, yes.</p> <p>15 Q. You mentioned that some customers had made it 16 clear that they did not feel safe; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. Do you remember what they said specifically?</p> <p>19 A. No. They were on the phone, several of them. As 20 soon as they found out where we were at, the -- yeah.</p> <p>21 Q. I'm sorry, were you finished with your sentence?</p> <p>22 A. Yes.</p> <p>23 Q. Oh, okay, sorry. So other than you having the 24 impression that they did not feel safe, what did they 25 actually say?</p>	<p style="text-align: center;">Page 80</p> <p>1 BY MS. PRATT:</p> <p>2 Q. Yeah, absolutely. So are you aware of a time 3 when a customer of Bergman's was actually unable to access 4 the storefront because of the CHOP?</p> <p>5 MR. WEAVER: Same objection. Go ahead.</p> <p>6 A. I never heard from any of our customers directly 7 saying, hey, we could never get there, but there were many 8 times the street was blocked off with marchers and 9 protestors and people that were angry that wouldn't leave 10 and -- yeah.</p> <p>11 BY MS. PRATT:</p> <p>12 Q. When you say "the street," what do you mean?</p> <p>13 A. 12th Avenue.</p> <p>14 Q. Is that 12th Avenue at Olive?</p> <p>15 A. No, that would be between Olive and Howell. 16 We're right in the middle of Olive and Howell. And the 17 people didn't stay inside the barricades; they were 18 everywhere, so --</p> <p>19 Q. Do I understand you that the only times that the 20 street in front of Bergman's was unpassable by vehicular 21 traffic was because there were actual live people moving in 22 and out of that street?</p> <p>23 A. Yes.</p> <p>24 MR. WEAVER: Objection.</p> <p>25 BY MS. PRATT:</p>

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1 can keep it open on the record.

2 MS. PRATT: All right. Well, we'll keep it open,
3 we'll continue it, and you and I will continue our
4 discussions.

5 Mr. Thompson, again, I really appreciate your
6 time. Thank you.

7 THE WITNESS: Thank you.

8 THE VIDEOGRAPHER: Counsel, any redirect
9 questions?

10 MR. WEAVER: I do not have any questions.

11 THE VIDEOGRAPHER: Should we go off the record?

12 MS. PRATT: Yes.

13 MR. WEAVER: That's fine.

14 THE VIDEOGRAPHER: The time is 2:19 p.m. We are
15 off the record.

17 (The deposition adjourned at
18 2:19 p.m.)

19 (Signature was reserved.)

24 S I G N A T U R E

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1 I declare that I have read my within deposition,
2 taken on Tuesday, May 4, 2016, and the same is true and
3 correct save and except for changes and/or corrections, if
4 any, as indicated by me on the "CORRECTIONS" flyleaf page
5 hereof.

6 Signed in _____, Washington,
7 this _____ day of _____, 2016.

12 LONNIE THOMPSON

24 REPORTER'S CERTIFICATE

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1 I, Mindy L. Suurs, the undersigned Certified Court
2 Reporter, pursuant to RCW 5.28.010, authorized to
3 administer oaths and affirmations in and for the State of
Washington, do hereby certify:

4 That the foregoing testimony of LONNIE THOMPSON
5 was given before me at the time and place stated therein
6 and thereafter was transcribed under my direction;

7 That the sworn testimony and/or proceedings were by me
8 stenographically recorded and transcribed under my
9 supervision, to the best of my ability;

10 That the foregoing transcript contains a full, true,
11 and accurate record of all the sworn testimony and/or
12 proceedings given and occurring at the time and place
13 stated in the transcript;

14 That the witness, before examination, was by me duly
15 sworn to testify the truth, the whole truth, and nothing
16 but the truth;

17 That I am not a relative, employee, attorney, or
18 counsel of any party to this action or relative or employee
19 of any such attorney or counsel and that I am not
20 financially interested in the said action or the outcome
21 thereof;

22 DATE: May 6, 2021

23 *Mindy L. Suurs*

24 Mindy L. Suurs
Certified Court Reporter #2195



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